

Remarks**Status of Claims and Support for Claim Changes Pursuant to 37 CFR 1.173(c)**

1. Cancelled
2. Cancelled
3. Cancelled
4. Cancelled
5. Cancelled
6. Cancelled
7. Cancelled
8. Cancelled
9. Cancelled
10. Cancelled
11. Cancelled
12. Cancelled
13. Cancelled
14. Cancelled
15. Cancelled
16. Cancelled
17. Cancelled
18. Cancelled
19. Cancelled
20. Cancelled

21. Pending; Support for amended claim 21 can be found in at least FIG. 1 of the issued patent.

22. Pending

23. Pending

24. Pending

25. Pending

26. Pending

27. Pending

28. Pending; Support for amended claim 28 can be found at least at column 4, lines 43- 46 and in FIGS. 1 and 2 of the issued patent.

29. Pending

30. Pending

31. Pending

32. Pending; Support for amended claim 32 can be found in at least FIG. 1 of the issued patent.

33. Pending

34. Pending

35. Pending

36. Pending

37. Pending

38. Pending

39. Pending

40. Pending

41. Pending
42. Pending
43. Cancelled
44. Pending
45. Pending; Claim 45 has been amended to correct a typographical error.
46. Pending; Claim 46 has been amended to correct a typographical error.
47. Pending, Support for amended claim 47 can be found in at least FIGS. 1 and 11, and column 7, lines 42-43 of the issued patent.
48. Pending; Claim 48 has been amended to correct a typographical error.
49. Pending; Claim 49 has been amended to correct a typographical error.
50. Pending; Claim 50 has been amended to correct a typographical error.
51. Pending
52. Pending
53. Pending; Support for amended claim 53 can be found in at least FIG. 1 of the issued patent.
54. Pending
55. Pending
56. Pending
57. Pending
58. Pending
59. Pending
60. Pending
61. Pending

Page 21 - AMENDMENT
Serial No. 09/909,430; Record ID 81047955

62. Pending
63. Pending
64. Pending
65. Pending
66. Pending
67. Pending
68. Pending; Claim 68 has been amended to correct a typographical error.
69. Pending; Claim 69 has been amended to correct a typographical error.
70. Pending; Claim 70 has been amended to correct a typographical error.
71. Pending; Claim 71 has been amended to correct a typographical error.
72. Pending; Claim 72 has been amended to correct a typographical error.
73. Pending; Claim 73 has been amended to correct a typographical error.
74. Pending; Claim 74 has been amended to correct a typographical error.
75. Pending; Claim 75 has been amended to correct a typographical error.
76. Pending; Claim 76 has been amended to correct a typographical error.
77. Pending; Claim 77 has been amended to correct a typographical error.
78. Pending; Claim 78 has been amended to correct a typographical error.
79. Pending; Claim 79 has been amended to correct a typographical error.
80. Pending; Claim 80 has been amended to correct a typographical error.
81. Pending; Claim 81 has been amended to correct a typographical error.
82. Pending; Claim 82 has been amended to correct a typographical error.
83. Pending; Claim 83 has been amended to correct a typographical error.
84. Pending; Claim 84 has been amended to correct a typographical error.

Page 22 - AMENDMENT

Serial No. 09/909,430; Record ID 81047955

85. Pending; Claim 85 has been amended to correct a typographical error.

Introduction

Applicant thanks the Examiner for carefully considering the subject application.

Regarding the duplicate claim (second claim 42, which was renumbered to 43), Applicant has cancelled the renumbered claim 43. As such, there are no duplicate claims and the numbering is believed to be appropriate as corrected by the Examiner. Further, numerous dependent claims were amended to compensate for the renumbering of claims to maintain proper dependency.

The Examiner has also indicated the allowability of claims 28 and 47 if rewritten in independent form. Applicant has so written the claims and therefore submit that claims 28 and 47 should be allowed.

Regarding the rejected claims, Applicant respectfully disagrees with the obviousness rejection for the reasons set forth below. However, Applicant has amended various claims to more clearly delineate them from the applied references.

The combination of Showalter et al. (U.S. Patent No. 4,318,386)

and Parzych (U.S. Patent No. 5,709,529)

The Rejection relies on the combination of Showalter et al. (4,318,386) and Parzych (5,709,529). However, this reliance is misplaced as there is insufficient motivation to make the combination, and, even assuming it is made, the combination fails to show the required claim elements as discussed below.

Specifically, Parzych deals with reducing noise (tones) "generated by the interaction of rotor blade and stationary guide vanes in industrial turbomachinery." Col. 1, lines 6-9 (emphasis added). There is simply no motivation or suggestion in either reference to adapt or apply this teaching to reduce noise emanating from a throttle in an internal combustion engine, such as noise exacerbated by plastic intake manifolds. Rather, Parzych is non-analogous art that deals with "spinning mode tones" as discussed in its Background of the Invention. Further, the only mention of an engine in Parzych is a tangential discussion referring to aircraft engines in that same section.

As such, the combination is improper.

Furthermore, for each grouping of claims below, the combination fails to show explicitly recited claim features as indicated.

Claims 21, 32, and 53

The system of Parzych appears to use elements 28 in a non-circular duct. As such, it simply is not relevant to claim 21, which requires that the bore wall have a circular cross section. Likewise, claims 32 and 53 require circular cross sections.

Claims 22, 23, 24, 30, 37, 38, 55

Applicant can find no teaching that the diffuser should be *downstream* of the throttle valve as required in the claims. In other words, there is simply no teaching in the applied references of where to place the vanes relative to a throttle producing noise in an internal combustion engine. In fact, the vanes of Parzych are located *upstream* of the noise generation site. *See Figure 2 of U.S. Patent No. 5,709,529.*

Page 24 - AMENDMENT
Serial No. 09/909,430; Record ID 81047955

Claims 25, 26, 39

Applicant can find no teaching that the diffuser should be *downstream* of the throttle valve and upstream of fuel injectors as required by the claims.

Claims 27 and 29

Applicant can find no teaching of both a first and a second set of vanes as required by the claims.

Claims 42, 44-46, 48 and 50

Applicant can find no teaching to mount a body defining an air passage between a throttle body and intake manifold as required by the claims.

Claim 49

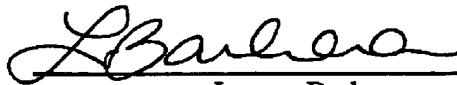
Again, as mentioned above, the vanes in Parzych are for a square cross-sectional duct, not a circular one.

Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505.

CERTIFICATE OF FACSIMILE

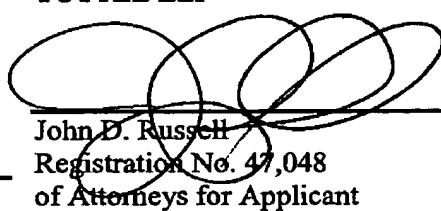
I hereby certify that this correspondence is being sent via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300 on January 18, 2006.



Lauren Barberena

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP



John D. Russell
Registration No. 47,048
of Attorneys for Applicant
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142